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ABSTRACT

In 1995, the Cross Examination Debate Association (CEDA) voted for the first time to debate a policy-based resolution. As CEDA embraces policy-based resolutions, it changes the focus of both affirmative and negative strategies. Affirmatives must now necessarily implement a plan while negatives have more freedom to advocate counterplans. Counterplans raise many issues about topicality, conditionality, and fiat, all of which are greatly influenced by policy burdens. Controversy over counterplans will probably erupt. As long as the community assumes that the affirmative plan is the focus of the round, it seems that any counterplan that is beyond the replication of the affirmative plan is worth consideration. The rejection of the counterplan on the basis of its topicality would allow the affirmative to advocate ideas that are polar opposites, to justify the resolution. Also, the affirmative should have to defend his or her plan, not the resolution as a whole, since the negative can suggest his or her own plan. Finally, the use of counterplans shifts the focus of debate. The resolution exists as a framework for the affirmative to advance a proposal while providing an expected area of debate for the negative. (Contains 23 notes and 18 references.) (TB)

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Counterplans: The Evolution of Negative Burdens As CEDA Makes the Transition from Value to Policy Debate

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Counterplans: The evolution of negative burdens as CEDA makes the transition from value to policy debate

In the spring of 1995, the Cross Examination Debate Association voted for the first time ever to debate a policy-based resolution. The community once again chose a resolution with a policy driven focus in the fall of 1995. As CEDA embraces policy-based resolutions, it changes the focus of both affirmative and negative strategies. Affirmatives must now necessarily implement a plan while negatives have more freedom to advocate counterplans. Counterplans raise many issues about topicality, conditionality and fiat, all of which are greatly influenced by policy burdens. This paper seeks to examine these three issues in relation to the liberating, as well as, limiting effects on both negative and affirmative approaches to counterplan argumentation. This examination, along with some proposed solutions, attempts to clarify the role of the counterplan in academic debate today. The paper will first deal with the issue of conditionality, then the role of negative fiat and conclude with the relevance of topicality for the counterplan.

Conditionality

Another area of concern regarding counterplans deals with the issue of conditionality and the implication that it holds for both affirmative and negative strategies. Defining the conditional counterplan presents problems for many theorists and debaters alike: hence they have renamed these counterplans to avoid the debate over the legitimacy of the conditional counterplan.[1]

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[1]For example, to avoid the 'taint' of the conditional label, debaters have begun running counterplans they have labeled dispositional. In the past hypothetical counterplans were popular. When debaters have counterplanned to give a disadvantage uniqueness, they have argued that absent the disadvantage, the counterplan need not be their advocacy. While a purist may state that their are differences between these forms of counterplans and the traditional conditional

However, it is our opinion that all counterplans are conditional upon net benefits which will be explored later in more depth. For clarification, an explanation should be made of the framework that a counterplan sets up for the round. If there is a counterplan extended as a viable option at the conclusion of the second negative rebuttal, two frameworks exist for the critic to evaluate. The first framework is that of the counterplan with its net benefits, whether it be a disadvantage to the affirmative, a net benefit of the counterplan independent of the case or a kritik, evaluated against the advantages of the plan whereby the critic must decide which option provides the optimal advantages. The second framework contains the affirmative plan against the status quo with the disadvantages or kritik of the plan. Arguments may be made that the negative loses presumption and/or the status quo with the introduction of a counterplan in to the round.[2] Dealing with presumption, it is our opinion that a true tie never exists in debate so presumption should rarely become the deciding factor in a round.[3] The one exception would be a scenario wherein the affirmative plan does not gain even the smallest bit of solvency and the negative team lacks a link to a disadvantage or a kritik. Then, possibly, presumption would be an option for the critic. Nonetheless, it seems highly unlikely that such a scenario could occur.

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counterplan, pragmatically, the differences are virtually non-existent.

[2]However, some argue that presumption is given to the negative and regardless of the introduction of a counterplan, it remains there. According to one debate text: "Either way, they have to prove that the counterplan provides *net benefits*--the best balance of risks and advantages. In the case of a tie, the decision in an academic debate is awarded to the negative." SEE: Austin Freely, *Argumentation and Debate*, Ninth edition, Belmont: Wadsworth Publishing, 1996 p. 273.

[3]While not all debate theorist would agree that presumption is only useful in the event of a tie, that seems to be the common wisdom. For more discussion of the role of presumption in CEDA, SEE: *CEDA Yearbook* 13 (1992): 1-36. Of particular interest to the authors is the article by Robert C. Rowland in that issue which argues: "Thus, the best theory of presumption in academic debate is no theory. We should not presume prior to the debate that either side is right or wrong. Nor should a differential burden of proof be applied to one side or the other. Rather, both sides should be required to meet these same advocacy burdens (22)."

In response to the second notion that the negative loses the option of the status quo, this belief denies the logic and process of real world policy making. In Congress, a Senator or a Representative could rise in opposition to a proposal with an alternative policy option, as well as, defending the status quo. In reaction to a bill concerning the funding of a ballistic missile defense system, an elected leader in Washington could make arguments as to why ballistic missile defense is unnecessary and also propose more efforts to fight proliferation in response to the problem of nuclear weapons. Even if it can be proven by others in Washington that the fight against proliferation may not solve the problem as well as the deployment of a missile defense program or that the option is not available at the time, if the missile program would ensure a more disadvantageous position than the status quo it should be rejected. A similar option should be allowed negative teams during a debate. Since plan is the focus, then the negative's only burden is to disprove the plan through what ever means they wish. While some may feel that this approach harkens back to the day of hypothesis testing, all judging paradigms allow the negative multiple mechanisms for meeting this burden.[4] More simply put, the affirmative debaters are the only *advocates* in the round.

For the negative a conditional counterplan provides a mechanism to test the affirmative option. The conditional counterplan serves as a option where in any speech the negative may decide to discontinue the advocacy of their proposal due to its loss of competition. The conditional counterplan often raises concerns over the strategic advantage that it gives to the negative in time tradeoff and how the round changes if the counterplan is "wished" away by the negative. The

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[4]For example, a stock issues judge would allow the negative to argue both topicality (the affirmative is not in the critic's jurisdiction) while continuing to argue other substantive issues. Policy makers, games theorist, hypothesis testers and other paradigms allow multiple approaches for the negative team to disprove the claim of the affirmative.

affirmative frequently claims that when a counterplan is presented in a constructive it represents the negative advocacy and that it should remain so for the entire debate because that is how the affirmative must frame their answers in the round. Also, a counterplan that may be "wished" away at the negative whim may create a time trade off for the affirmative if they choose to straight turn the counterplan by reading one or more disadvantages, turns to the agent of action or any other number of ways that the affirmative chooses to make the counterplan fail to meet its burden of non-topicality or a level of competition.

However, many of the complaints over the strategic advantage given by a conditional counterplans fail to warrant the rejection of such counterplans. First, the issue of time tradeoff fails to apply uniquely to the conditional counterplan. In academic debate today with the increasing use of rapid delivery and proliferation of requests by critics to narrow down the round in the second negative rebuttal many effective negative rebuttalists will confine their final speech to one or two issues in "closing the door" on the affirmative. Much of the negative strategy in a debate round consists of presenting numerous arguments and then choosing the one or two best arguments that they feel can win the ballot of the critic. While the counterplan may differ from conceding that the plan is topical or a no link to a disadvantage in the negative block or the second negative rebuttal, the warrant for eliminating the conditional counterplan almost always reverberates back to the issue of time allocation. Time allocation in a debate round hardly justifies the rejection of the conditional counterplan since many issues are used as "timesucks" such as any number of procedurals or disadvantages with little to no link. It simply means that the affirmative must efficiently balance the number of arguments against the perceived threat these issues pose to the plan. One exception to this rule may be the argument that the conditional counterplan may represent irresponsible advocacy because it may lead to a shift in advocacy.

While we would never defend the use of inconsistent positions or evidence, neither the affirmative or the negative should ever be forced into defending every argument that is presented in the round. Oftentimes, the affirmative may concede link or solvency arguments on an advantage to avoid turns which represents the same abuse of time tradeoffs.

The other major concern over the conditional counterplan deals with the issue of how ridding the round of the counterplan affects the answers of the affirmative. Many scenarios can be painted where the conditional counterplan, while it may gain its net benefit, also links to other negative positions in the round. The affirmative may choose then not to answer the disadvantage as fully as they might in a world where the counterplan did not exist. Also, some counterplans (such as counterplans which exist for uniqueness) may change the way that the affirmative answers the uniqueness of the disadvantage, especially if the counterplan disappears in the round. However, the affirmative answers in the second affirmative constructive should assume both worlds, one in which the counterplan exists and a world where there is no counterplan. Especially if the assumption of the negative is that there are two worlds which exist as their advocacy. The affirmative should still answer all of the positions in the round as if the counterplan did not exist for the negative is faced with the same burdens of the lack of a counterplan to assist their link. Certainly the affirmative is granted similar flexibility when defending their case. They are not expected to defend all advantages presented in the first affirmative and few question their ability to 'grant' out of an advantage for strategic purposes.

To resolve the ambiguity of the conditional counterplan several steps could be taken by the debaters to create a middle ground about the conditional counterplan. The following suggestions try to limit the abuse of the negative as well as ensure that the conditional counterplan still exists as a viable position in academic debate. First, if negative teams labeled their

counterplans as conditional upon net benefits it would shore up tensions over how the counterplan synergistically interacts with other negative strategies in the round. If the counterplan is proven to fail to compete be it through a permutation or proving the net benefit is actually disadvantageous then the counterplan should be eliminated from the decision making process of the round. Secondly, if the negative permits new, germane answers in the round in response only to the way that the lack of a counterplan changes the round, it would significantly decrease the potential abuse seen by many in the community with the conditional counterplan.

Negative Fiat

One of the greatest controversies surrounding counterplans has been the issue of negative fiat and what limits should be imposed on the counterplan. Many theorists have tried to define and explain the phenomena that the debate community has labeled fiat. Patterson and Zarefsky in their debate text state: "[O]ne way to explain this convention is to say that it is assumed for the purposes of testing the resolution, all participants in the debate stipulate that the plan is in effect. This stipulation [is] often referred to as fiat. . . ."[5] Roger Solt defines affirmative fiat as "Fiat is not an artificial intervention into the normal political process; rather, it is the assumption, for the sake of argument, that such a normal process has been employed and the affirmative plan has come into being. . . . To consider whether something should be done involves both the temporary suspension of concern for whether it would be done and an examination purely in terms of desirability."[6] Solt then explains negative fiat to consist of the ability of the negative to

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[5]SEE: *Contemporary Debate*, Boston: Houghton Mifflin Company, 1983, p. 154.

[6]SEE: "Negative Fiat: Resolving the Ambiguities of *Should*." *Journal of the American Forensic Association*, 25 (Winter 1989) 121-2.

implement a competitive alternative in the round. "If the affirmative fiat involves imagining that the affirmative plan were adopted, negative fiat is the act of imagining alternatives to the affirmative."[7] Most negatives assume the application of reciprocity for the negative in presenting an alternative policy option. "A final fairness/equity consideration speaking in favor of negative fiat is the simple consideration of reciprocity. The affirmative is allowed to design in detail a policy and offer it for consideration on its own merits, regardless of its political practicality. Thus, there seems to be at least some equity interest in allowing the negative to design its own policy and advocate it in its own merits."[8]

Given the growth of the counterplan as a strategy for negative teams in CEDA, a community consensus as to what constitutes negative fiat powers is necessary. While we would agree with the common view that the negative has reciprocal fiat powers, determining what constitutes reciprocity creates a more difficult problem. In our opinion this would include (1) domestic agents other than what is specified by the resolution, (2) agents included in the resolution although not necessarily utilized by the affirmative (for example the topic states, The United States, the affirmative chooses to use the president as an agent while the negative opts for Congress), and (3) foreign agents. To limit the scope of foreign agents (and thus to guarantee fair division of ground), we would suggest that the negative be restricted to a single actor. Under this label we would include, the government of any one foreign nation, or any governing body (such as the United Nations or a Non-governmental Organizations). Not allowed under our interpretation would be fiating the actions of multiple governments. For example, if the negative were to counterplan that India would institute a no first use policy against Pakistan (given that

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[7]SEE: 122.

[8]SEE: 129.

they were able to read solvency evidence and win a transition debate) that would be legitimate. However, if they were to counterplan that *both* India and Pakistan would "stop fighting" that would be considered illegitimate.

Oddly enough, despite the lack of consensus about what constitutes negative fiat, little on the subject has been written. Roger Solt offers one of the most exhaustive studies of negative fiat with a list of solutions to what he perceives as negative abuse concerning fiat.[9] Solt offers three remedies to resolve the ambiguity of negative fiat; limiting negative fiat to domestic actors, restraining the counterplan to relevant policy literature and topic based limitations such as adding phrases to specify negative ground. These cures are certainly worse than the illness and ensure the further erosion of negative counterplan ground. Many of today's academic debate rounds start with an affirmative that uses topical action to somehow eventually find the link to preventing the worst of all catastrophes, a global thermonuclear war or the collapse of the ecosystem, etc. Most of these issues can hardly be solved by the United States federal government and often involve the actions of other nations. In the academic year of 1995-1996, all of the major policy debate associations (CEDA, NDT and NFL) have chosen to debate about the change in United States foreign policy toward one or more nations in the world arena. Solt's limits would destroy the consideration of over one half of the topic area. The view that foreign governments cannot solve problems on their own imposes an ethnocentric and hegemonistic view into an activity that strives for the openness of ideas. Most affirmative teams should be able to debate the efficacy of counterplans where the negative assumes a foreign nation through their inherency or solvency evidence. If it is true that the United States is the best actor for solving the stated harm then the

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[9]For an additional view opposing broad based negative fiat powers SEE: Dallas Perkins, "Counterplans and Paradigms." *Journal of the American Forensic Association.* 25 (Winter 1989): 140-149.

affirmative evidence should support that claim. The affirmative has the burden of proof to justify not only its plan but more importantly their choice (or the resolution's choice) of actor. The negative would still have to debate the transition and the perceptions sent by the foreign government acting. The negative is not limited by the resolution and therefore should be allowed to assume the role of whatever actor they so choose. Especially in the instance where the negative would assume the identity of one foreign nation it would meet the reciprocity standard.[10]

Solt's first objection to the use of "foreign fiat" is that "U.S. public policy is the focus of academic policy debate as it occurs in the United States."[11] He reaches this conclusion from reviewing the academic debate resolutions of NDT and the National Forensic League where on only one occasion the resolution has specified an agent beyond the federal government. Solt takes this fact to reason that the votes of the debate community over the last two decades reflect this attitude. "If foreign or private action were considered an appropriate subject for discussion in this forum, it seems likely that at least occasionally such a position would be assigned to the affirmative. Since this has not occurred, it seems clear that such approaches are not considered relevant or appropriate by the debate community"[12] While in the past, most CEDA resolutions

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[10]While some argue that fiat power can only come from the agent of action stated in the resolution, ("The key to effective control of fiat is to insist that only the agents of action defined by the resolution, and not debate teams, possess fiat. Thus the agent becomes the only legitimate means to project 'how' speculated (or fiated) behavior could occur. Fiat is thus limited to mimicking the real world powers of an agent of action. The failure to confine fiat to such real world models opens academic debate to magic.") this interpretation assumes non policy topics and only affirmative fiat power. SEE: Richard H. Dempsey, "The Theoretical Illegitimacy of Speculative Value Objections." *CEDA Yearbook*, 5 (1984): 61.

[11]SEE: Solt, p. 133.

[12]SEE: 133.

fail to specify a specific actor and even if Solt's assumption were correct, this attitude only reflects how the community perceives what affirmative ground should be. The votes over the last two decades fail to produce any link between the acceptance of United States government based resolutions and the dissatisfaction or disapproval with foreign fiat.

Solt further implies that since the activity of academic debate reflects democratic decision making, "then it makes sense for debate to consider only alternatives which are subject to democratic influence... Foreign governments clearly have no such accountability to the U.S. public and very minimal incentives to be attentive to argument within American media..... hence, their susceptibility to reasoned argument appealing to a disinterested concept of public good is limited."[13] Solt's article, written before the fall of the Berlin Wall and the fall of communism except in remote areas on the globe, fails to take into account the worldwide spread of democracy. He also imposes the view that only in extreme cases do governments other than the United States act in the public good. These views lack a strong warrant for the rejection of foreign fiat considering that the fiat of the counterplan would override this should/would analysis of foreign nations. While the fiating of the action may run counter to the rule of law or beliefs of another country, the negative should be allowed to present the alternative and defend the implications of the counterplan . Finally, the argument that foreign governments rarely monitor the opinion of the American media seems irrelevant to the issue of foreign fiat. As long as the negative produces solvency for the counterplan, the issue of American media sources for the counterplan becomes irrelevant.

Solt's second solution of restraining the counterplan to relevant policy literature makes the argument that the resolution serves as a director of discussion and many counterplans destroy

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[13]This quotation is also talking about private actors. SEE: 133.

this function. However, if the plan is the focus of the debate then the resolution only serves as a starting point for the discussion and not serve as a constraint for the negative. Also, the foreign actor counterplan tests the intrinsicness of the resolutional actor in regards to the affirmative advantage. Other parts of the paper will provide sufficient reasons as to why the this standard should be viewed with the utmost scrutiny.

Solt's last remedy to the "abuse" of negative fiat entails resolutional based solutions. The first solution proposed is "to write caveats into resolutions, indicating the appropriate range of alternatives. If only the *status quo* (emphasis in original) is considered relevant, the topic could read "Resolved: that the policy X is preferable to the present system." If the intention were to avoid change of government counterplans, topics could be written, "assuming present basic government structures, X should be done."[14] However, this type of reform only serves to limit negative freedom of argumentation and therefore critical examination of the most basic of our political structures. If one of the functions of debate is to facilitate the examination of policy making, this method of limiting the negative also negates and undermines one of the core questions of academic debate. To forbid the recommendation of alternative political forums represents an artificial, authoritarian construct restricting the freedom of expression as well as imposing the view that our form of democracy is the only choice for policy making. Paradoxically, resolutional reforms represent the exact opposite goal of what the imposed construct protects and openly promotes. Especially considering that the negative has the utmost of freedom in debate round confined by no resolution.

The second resolutional based solution would be to write a negative resolution to demarcate where counterplan ground lies. "A second approach would be to write a kind of

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[14]SEE. 138.

negative resolution. The resolution could contain two sentences, one indicating the scope of affirmative choices, the other the scope of negative choices. Such a negative resolution might state that "policy alternatives germane to this resolution are those which operate within present basic government structures and which could be adopted by domestic public actors."[15] This standard for negative ground would create enormous inequities within the community. What is considered germane to the resolution? What is the current basic government structure? Does this limit grass roots movements from consideration? Does it represent minority views? It is time for academic debate to move away from restrictive rules and more into the examination of the policies themselves. While may argue that many counterplans (i.e. utopian) fail to meet this test of examining policies is to oversimplify the issue. These counterplans indict the very assumptions that we live under everyday and seldom fail to question our blind faith in the current political order. How can we know what is the best without exposure to all of the possible options.

If a counterplan serves no function for a specific topic or contains no utility at all, then surely the marketplace of ideas, represented by the numerous tournaments that are conducted each weekend will weed out these arguments.

Other objections may arise from critics who reject the legitimacy of foreign fiat due to the perception that they are a United States policy maker in any one of the three branches of government. This theory rests on numerous faulty assumptions about the framework of the judge. First, the logic that the judge can not be both an American policy maker and a foreign government official in the same round would seem to equally apply to agent counterplans within the United States government. How could one critic be both Congress and the President, the Supreme Court or the 50 states? This misperception on the part of many critics stems from the view that they are

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[15]SEE: 138-9

bound by the resolution. In fact, the only persons constrained by the resolution are the affirmative team. Once the affirmative is proven to serve as an adequate example of the resolution then the resolution disappears as an issue and the case becomes the focus. The reason for competition of United States government agent counterplans are the net benefits gained by the separate branches acting alone. The act of foreign fiat also provides this same level of competition assuming that it is better for the foreign actor to act alone with an advantage greater than that of the affirmative or a combination of both actors. The question posed to the critic at the conclusion of the round remains whether the negative uses a foreign actor or if the negative fiats with an actor under the reigns of the federal government. Does the affirmative present a better alternative than the negative?

Solt sets up a criteria for in round evaluation whereby the critic simply functions as an endorser of intellectual thought. "A fourth consideration favoring negative fiat relates to the role of the judge as a decision maker. I believe that the judge should not assume any particular role, be it member of Congress or social scientist, in evaluating the debate. Rather, the judge should reflect the perspective of an ideally, impartial, informed, and eclectic viewpoint. Most consistent with this view of fiat simply as an act of intellectual endorsement. If intellectual endorsement is all that occurs at the end of the debate, there is no real reason why the judge should be precluded from endorsing options outside the political mainstream-if they are competitive with the affirmative."[16] This view of the critic as an intellectual endorser provides the most beneficial latitude for both the affirmative and negative competitors by failing to implement artificial constructs on wither team. Ironically, this view creates the very role of the critic that Solt would reject by allotting the critic the authority to be any member of the world community. Another

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[16]SEE: 130.

benefit of this construct of the intellectual endorser paradigm is that it still posits the same question at the end of the round to the critic of whether the affirmative option is net beneficial as opposed to the counterplan.

One remedy to curb the abuse of foreign fiat involves literature support for the counterplan. The support of others in the field of research specific to the foreign actor counterplan would increase the intellectual legitimacy of the negative position. Also, as with any counterplan, the use of evidence would assist in the transition debate. As long as the negative is forced to debate the effect of their counterplan, the abuse claimed by many opponents of foreign fiat would be silenced as a tenable objection.

Topicality

One of the earliest requirements for the counterplan was that the negative counterproposal remained outside of affirmative resolutional ground. In 1975, Allan J. Lichtman and Daniel M. Rohrer's essay, *A General Theory of the Counterplan,* argued that the counterplan must not serve as an example of the resolution. As with most arguments and ideas in academic debate, in the time since the publication of this essay , the dynamics of debate rounds and hours of debates within the scholarly community have come to take a new view on this theory.

Lichtman and Rorher base their theory around the philosophy that the resolution serves as the focus of a debate round. Other scholars including, Paulsen and Rhodes describe the role of the affirmative to advocate the resolution while the negative must contest the adoption of the resolution.[17] "The claim that we "debate the resolution" assumes that the resolution is a propositional statement, which the affirmative defends as true and the negative rejects as untrue

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[17]SEE: Paulsen and Rhodes, "The Counter-Warrant as a Negative Strategy: A Modest Proposal," *Journal of the America Forensic Association*, 15 (1979): 205-210.

(or, more accurately, rejects as not adequately proven true)."[18] Others note, ". . .the resolution is an abstract logical construct, carrying no intrinsic truth value. Only the introduction of a specific substitution instance, in the form of a topical affirmative plan, turns the resolution into a propositional statement which can be disputed."[19] The affirmative must prove that it is a desirable substitution for the resolution. If the counterplan can prove that the affirmative fails to serve as a desirable substitution for the resolution, then the affirmative has failed in proving the resolution true. It would fail its own defense of the primacy of deductive reasoning in the round.

The authors cautiously endorse the topical counterplan. We recognize that the topical counterplan presents problems but it is a condition that is better than the alternative of the wholesale rejection of topical counterplans. As long as the community assumes that the affirmative plan is the focus of the round, it seems that any counterplan that is beyond the replication of the affirmative plan is worth consideration.

First, the affirmative may only defend the resolution via the plan and does not gain the rest of the resolution as a sanctuary that is restricted from the negative. "There is no reason why the affirmative should be shielded from discussion of the substantive issues of the problem area"[20] This is especially true when a bi-directional topic serves as the framework for affirmative choice. In this setting, the amount of truly non topical counterplan ground is almost non-existent. "Without the *certainty* (emphasis in the original) of directionality, there is little reason to support

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[18]SEE: Patterson and Zarefsky, p. 166.

[19]SEE: Edward Panetta and Steve Dolley. "The Topical Counterplan: A Comparative Policy Alternative." *Journal of the American Forensic Association*, 25 (Winter 1989).

[20]SEE: 170.

the position that the resolution should serve as a dividing mark between teams"[21] The rejection of the counterplan on the basis of its topicality would allow the affirmative to advocate ideas that are polar opposites, to justify the resolution.

Secondly, arguments have been made in CEDA rounds as of late that a topical counterplan reaffirms the resolution so even if you vote for the counterplan you vote for the affirmative since they are the champions of the resolution. However, this fails to be a persuasive argument when fully examined. While the topical counterplan may be an example of the resolution, it is not the policy of the affirmative and therefore should never be their advocacy. This refers back to the idea that the affirmative may only defend their plan if they are willing to accept the perspective that the case/plan is the focus. For the affirmative to be able to argue that they will only argue the plan, not the resolution as a whole, and then be allowed the negative advocacy for their own ends allows the affirmative to both hide behind the plan focus scope of debate and then switch to a resolutional focus. This inconsistency reflects poor argumentation by the affirmative which should never be allowed.

Thirdly, the argument that the topical counterplan destroys an incentive for negative research and significantly decreases the intellectual enlightenment of academic debate also rests on faulty assumptions. If anything it seems that the topical counterplan would increase the focus on discussion of the resolution. The resolution exists as a framework for the affirmative to advance a proposal while providing an expected area of debate for the negative. The view that the plan is the focus defines the resolutional function as serving two functions, "First, the resolution provides notice of the topic to be debated each year. This is important, as rigorous advocacy requires thorough preparation. Absent some predetermined common ground, it would be impossible for

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[21]SEE 170.

debaters to anticipate likely topics and to research the relevant issues. Moreover, enforcing subject matters is critical to preserving clash in debate. If the affirmative was not bound by topicality rules, the negative could never hope to clash with the position of the affirmative. Second, the resolution defines argumentative ground. A properly worded resolution divides the topic area between the teams and assigns presumption and burden of proof. The fact that presumption is against change means that the affirmative must present a *prima facie* (emphasis in the original) example of the resolution to satisfy its burden of proof requirements."[22] Many critics in CEDA complain that not enough case debate occurs in rounds with the plethora of generic disadvantages and kritiks carried to every tournament. The topical counterplan seems to remedy that problem by allowing the negative to argue the case from both resolutional and non-resolutional ground. Often the best alternatives to an affirmative are found within the topic literature most would consider to be inside the imaginary fence demarcating affirmative ground. Panetta and Dolley note, "To present a competitive, topical counterplan. a negative team has to be well read on the substantive issues of the topic. The presentation of well researched competitive positions highlights the important arguments early in the debate, and good clash usually ensues."[23]

Conclusion

If the current trend continues, it appears that CEDA will make policy-based resolutions a permanent foundation for competitive debate. As this transition occurs, the counterplan will play an ever increasing role in rounds. This paper attempts to expose the areas

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[22]SEE: Dale Herbeck, John Katsulas, and Karla Leeper, "The Locus of Debate Controversy Re-Examined. Implications for Counterplan Theory." *Journal of the American Forensic Association.* 25 (Winter 1989): 151-2.

[23]SEE: 174.

in which the most controversy will erupt and proscribe solutions to the theoretical attacks on topical, conditional and foreign actor counterplans. With a common understanding of how the counterplan works in the round, debaters will move away from dependence on attacks of the theory of the argument and more affirmative teams will delve into debating the substantive issues raised by the counterplan. The suggestions in this paper are merely suggestions and should not be seen as inflexible rules or the only truth about counterplans. In each round, the counterplan plays a unique role where each individual round will create its own subset of rules and constraints.

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